

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

KEITH BATTS,

Plaintiff,

vs.

COMPUTER SCIENCES CORPORATION, et al.,

Defendants.

Case No. 2:13-cv-02181-JAD-NJK

**ORDER**

Pending before the Court is Defendants' Motion to Amend Answer to Assert Additional Affirmative Defense. Docket No. 23. The Court finds this matter is properly resolved without oral argument. *See* Local Rule 78-2. The Court has considered the Motion, Response, and Reply. Docket Nos. 23, 28, 30. The Motion to Amend is hereby **GRANTED**.

**I. DISCUSSION**

After a party has amended a pleading once as a matter of course, it may only amend further after obtaining leave of the court, or by consent of the adverse party. Fed. R. Civ. P. 15(a). Generally, Rule 15 advises the court that "leave shall be freely given when justice so requires." This policy is "to be applied with extreme liberality." *Owens v. Kaiser Found. Health Plan, Inc.*, 244 F.3d 708, 712 (9<sup>th</sup> Cir. 2001) (quoting *Morongo Band of Mission Indians v. Rose*, 893 F.2d 1074, 1079 (9<sup>th</sup> Cir. 1990)).

1 In the present case, Defendants seek leave to add an additional affirmative defense to their  
2 Answer. Docket No. 23, at 1. Defendants' proposed affirmative defense centers around the statute  
3 of limitations which may, or may not, serve to bar some of Plaintiff's claims. *Id.*, at 1-2. Plaintiff  
4 argues that allowing Defendants' proposed affirmative defense would be "an utter exercise in  
5 futility," given Plaintiff's contention that his claims were filed within the period allowed by the  
6 statute of limitations applicable to this case. Docket No. 28, at 9. Plaintiff further argues that  
7 Defendants' proposed affirmative defense should not be allowed by way of amendment because the  
8 "statute of limitations defense cannot survive Rule 12(b)(6) analysis." *Id.*

9 The Court finds Plaintiff's arguments unconvincing. Defendants do not seek, at this stage of  
10 the proceedings, a ruling from the Court as to whether the statute of limitations applicable in this  
11 case will bar some, all, or none of Plaintiff's claims. Defendants merely seek leave to amend their  
12 pleadings, which "shall be freely given when justice so requires." Fed. R. Civ. P. 15(a). Defendants  
13 note that their "Motion is brought within the deadline to amend the pleadings, the parties just  
14 completed an Early Neutral Evaluation, no depositions have commenced and no other factor  
15 warranting the denial of amendment exists." Docket No. 23, at 2. Accordingly, the Court finds that  
16 Defendants have demonstrated that amending their Answer to include the requested affirmative  
17 defense is warranted at this point in time.

## 18 **II. CONCLUSION**

19 Based on the foregoing, and good cause appearing therefore,

20 IT IS ORDERED that Defendants' Motion to Amend, Docket No. 23, is **GRANTED**.

21 IT IS FURTHER ORDERED that Defendants shall file their amended Answer no later than  
22 May 16, 2014.

23 DATED: May 12, 2014.

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27 NANCY J. KOPPE  
28 United States Magistrate Judge